

**KEITH W RHEAULT**  
*Superintendent of Public Instruction*

**GLORIA P. DOPF**  
*Deputy Superintendent*  
Instructional, Research and Evaluative  
Services

**DOUGLAS C. THUNDER**  
*Deputy Superintendent*  
Administrative and Fiscal Services

STATE OF NEVADA



**SOUTHERN NEVADA OFFICE**  
1820 E. Sahara, Suite 205  
Las Vegas, Nevada 89104-3746  
(702) 486-6455  
Fax: (702) 486-6450

**MOODY STREET OFFICE**  
1749 Moody Street, Suite 40  
Carson City, Nevada 89706-2543

**DEPARTMENT OF EDUCATION**  
700 E. Fifth Street  
Carson City, Nevada 89701-5096  
(775) 687 - 9200 • Fax: (775) 687 - 9101

October 4, 2005

**MEMORANDUM**  
**NSLP 2006-25**

To: All NSLP Sponsors

From: Pat Cook, Consultant  
Office of Child Nutrition and School Health

Subject: Verification of Confirmation

---

Section 105 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) amended section 9(b)(3) of the Richard B. Russell National School Lunch Act (NSLA) by adding subparagraph (E), which addresses confirmation activities. The NSLA now requires that local education agencies (LEAs) review all applications selected for verification prior to conducting any other verification activity. The law uses the term "preliminary review". To avoid confusion, United States Department of Agriculture (USDA) has called it a "confirmation review" because its purpose is to check the accuracy of the initial eligibility determination. This provision became effective July 1, 2005.

This memo is in response to requests for USDA to clarify what takes place when a confirmation review finds an error in the eligibility determination after a household has been initially notified of its status. This memo also concerns the timing of the confirmation review and is intended to reinforce the verification guidance already set forth in the implementation memo "Verification Activities", NSLP 2005-61, dated March 23, 2005.

**Conducting a confirmation review**

- This review must be conducted by someone other than the person who made the initial determination.

- Please note that, as reported in our March 23, 2005 memo, the confirmation review requirement may be waived if the LEA has a technology-based system that demonstrates a high-degree of accuracy. Any LEA that has an automated system for processing applications must contact the State agency to determine if its system qualifies.

### **Timing of a confirmation review**

The confirmation review can occur in one of two ways:

- 1) It can occur immediately after the initial review and consequently be part of the certification process. This would be the practice in schools that routinely double check the determination of all applications before implementing the eligibility determination.
- 2) The other approach would be to do the confirmation review as part of the verification process, and only do a double check on those applications selected for verification. In this situation the household has already been notified of the eligibility decision. When the confirmation review is part of the verification process, the following requirements apply:

#### **Timing of notification to the household of its changed eligibility status**

- If the confirmation review indicates that the new eligibility status is to the household's benefit, the LEA should make the change as soon as possible and proceed with verification.
- If the confirmation review shows that there should be a decrease in benefits, the LEA proceeds with and completes verification before any notification of a new eligibility status is given. These procedures are designed to avoid a possible unnecessary reduction in benefits.

### **Verification notice**

- The verification notice requirements are not changed by adoption of the confirmation review; that is, the verification notice continues to explain that the application was selected, to detail the process and required documentation, to assign a deadline for receipt of documentation, and to provide a no-charge phone number to call for assistance.

### **Adverse Action**

- Schools must continue to follow adverse action requirements as appropriate when verification activities result in a reduction of benefits or should the household fail to cooperate with verification efforts, as detailed in 7 CFR 245.6a(e).....*"the school or School Food Authority shall reduce or terminate benefits, as applicable, as follows: Ten days advance notification shall be provided to households that are to receive a reduction or termination of benefits, prior to the actual reduction or termination. The first day of the 10 day advance notice period shall be*

*the day the notice is sent. The notice shall advise the household of: (1) The change; (2) the reasons for the change; (3) notification of the right to appeal and when the appeal must be filed to ensure continued benefits while awaiting a hearing and decision; (4) instructions on how to appeal; and (5) the right to reapply at any time during the school year. The reasons for ineligibility shall be properly documented and retained on file at the School Food Authority.”*

If you have questions, please contact this office.